

The relief described hereinbelow is **SO ORDERED**

Done this 6th day of June, 2016.

Dwight H. Williams, Jr.

Dwight H. Williams, Jr.
United States Bankruptcy Judge



**IN THE UNITED STATES BANKRUPTCY COURT FOR
THE MIDDLE DISTRICT OF ALABAMA**

**IN RE:
MARK S. YOUNG
Debtor**

CASE NO. 16-30442 DHW-13

**ON MOTION OF:
EMBRACE HOME LOANS, INC.
Movant**

**AGREED ORDER CONDITIONALLY DENYING
MOTION FOR RELIEF FROM STAY AS TO DEBTOR AND CO-DEBTOR**

The Movant, Embrace Home Loans, Inc., filed a Motion for Relief from Stay as to Debtor Mark S. Young and Co-Debtor Andreda C. Young seeking relief from the stay which operates as a result of the Debtor having filed a petition under the Bankruptcy Code. The Movant seeks an order authorizing Movant to foreclose its mortgage according to the powers set out in the mortgage. The mortgage is held by Movant with regard to the following described property situated in the County of Montgomery, State of Alabama:

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF MONTGOMERY, STATE OF ALABAMA IN DEED BOOK 1742 AT PAGE 332 AND IS DESCRIBED AS FOLLOWS: LOT 6, BLOCK 31, ACCORDING TO THE MAP OF MONTGOMERY EAST PLAT NO.6, AS SAID MAP APPEARS OF RECORD IN THE OFFICE OF THE JUDGE OF PROBATE OF MONTGOMERY COUNTY, ALABAMA IN PLAT BOOK 23, PAGE 187 (Property address: 607 Placid Dr., Montgomery, AL 36117).

Debtor and Co-Debtor executed a promissory note secured by a mortgage to Mortgage Electronic Registration Systems, Inc. ("MERS") solely as nominee for Lender, Advanced Financial Services, Inc., and Lender's successors and assigns, dated October 6, 2009, on said property which mortgage was recorded in RLPY Book 03958, Page 0119 of the records in the Office of the Judge of Probate of Montgomery County, Alabama and which was subsequently assigned to Movant herein. The mortgage is in default.

Upon the consent of the parties hereto, it is ORDERED that the relief prayed for by Embrace Home Loans, Inc. is CONDITIONALLY DENIED. The condition is that the Debtor is to pay the post petition mortgage arrearage in amount of \$3,413.65 which consists of the following:

3/16-5/16 (3 x \$862.55)	\$2,587.65
Attys fee MFR	\$650.00
Filing Fee MFR	<u>\$176.00</u>
TOTAL	\$3,413.65

Said arrearage shall be paid through Debtor's Chapter 13 Plan for which a claim shall be allowed and paid. Trustee payments remitted to Movant on behalf of Debtor for this post-petition claim shall be \$64.00 per month. Debtor's monthly payments to the Trustee shall be set at \$ 495.00 monthly. Debtor's regular monthly post-petition payments shall recommence with the June 1, 2016, payment.

It is further ORDERED if the future regular monthly payments come into default and, upon a written twenty (20) day notice of default to Debtor and Debtor's attorney, the Debtor fails to cure the arrears, then the automatic stay as to Debtor shall be terminated. Movant is then authorized to immediately foreclose its mortgage without further order of this Court.

The terms of this Order for repayment of the arrearage shall apply only so long as the Chapter 13 remains pending. Bankruptcy Rule 3002.1 and 4001(a)(3), as amended, and 11USC1322(b)(5) are not applicable. It is further ordered that Movant shall be permitted to communicate with the Debtor and Debtor's counsel to the extent necessary to comply with applicable non-bankruptcy law.

End of Order

This order agreed to by:

/s/ Terry L. Danford
2267 Cong. WL Dickinson Dr
Montgomery, AL 36109

/s/ Curtis C. Reding, Trustee
PO Box 173
Montgomery, AL 36101

This order agreed to and prepared by:

/s/ Beth McFadden Rouse, Attorney for Embrace Home Loans, Inc.
718 Downtowner Blvd.
Mobile, AL 36609